IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.17 OF 2005
IN
FCAST **NO.2053 OF 200**5

Shri Madan Dattatray Naik, .. Applicant
vs
Sou. Sunita Madan Naik and ors. .. Respondents
Shri S.B.Deshmukh i/b Mrs Vinita V.Bakre-shastry for the applicant.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : MARCH 15, 2005.

P.C.

1. Heard.

2. The applicant has filed an affidavit and an acknowledgement of receipt in respect of service on the respondents. The Court notice is issued. However, the reported service is not received. The main matter is for maintenance of the wife and two daughters. Even though a decree has been passed on 27.10.2004, nothing has been paid by the applicant to the respondents so far and, therefore, their absence is justified. There is a delay of 60 days in filing the appeal which requires to be condoned. In the interest of justice we feel it appropriate to condone the delay, however, on condition that the applicant deposits the arrears of maintenance as of today

within a period of four weeks from today. Therefore, we pass the following order.

(a) The delay condonation application is allowed subject to deposit of the total amount of arrears of maintenance, as on today, within a period of four weeks from today. We make it clear that if the amount is not deposited within the stipulated period, the appeal shall stand rejected. If the amount is deposited, it shall be paid to the respondents.

(D.B.Bhosale, J.) **(S.B.MHASE, J.)**

/rrt/db-05/cam17-05